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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,179	02/16/2001	Timothy P. Meier	283-304	5313
7590	03/02/2006		EXAMINER LE, BRIAN Q	
George S. Blasiak WALL MARJAMA & BILINSKI Suite 400 101 South Salina Street Syracuse, NY 13202			ART UNIT	PAPER NUMBER
			2621	

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/788,179

Applicant(s)

MEIER ET AL.

Examiner

Brian Q. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21-71 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 48-57 is/are allowed.
- 6) ☒ Claim(s) 21-47 and 58-71 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/09/2005 has been entered.

**Response to Amendment and Arguments**

2. Applicant's arguments, see "Remarks", filed 12/09/2005, with respect to the rejection(s) of claim(s) 21-47 under 35 U.S.C. 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Ramachandran U.S. Patent No. 6,315,195.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-29, 30-34, and 40-47 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Regarding claim 1, the Applicant does not disclose the support of the exactly claimed limitation 'a' and limitation 'b'. Specifically, the Applicant does not show the support of the first type and the second type of card identification and the control circuit that is designed

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to work with the two types of identification card (This also apply to claims 30 and 40). Claims not specifically addressed depend from indefinite antecedent claims.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 21, 23-46, 58 and 65-71 are rejected under 35 U.S.C. 102(e) as being anticipated by Ramachandran U.S. Patent No. 6,315,195.

Regarding claim 21, Ramachandran teaches a card reader apparatus for reading and validating information encoded on an identification card (abstract), said apparatus comprising:

A local housing terminal (terminal) (abstract) having a display (FIG. 4, element 40), and also have a data input unit (FIG. 4, element 42) including an optical reader (magnetic reader) (column 4, lines 47-50) for reading a first type of identification card having cardholder identity information encoded in bar code symbols, said data input unit further including a credit card reader (column 3, lines 60-64) for reading a second type of identification card having cardholder identity information encoded on a magnetic stripe or a smart card (Magnetic reader to read magnetic card and bar code scanner to read bar code card) (column 4, lines 47-50);

A processor system for receiving signals from said data input unit (FIG. 4, element 36), said processor system comprising:

An I/O bus (connection lines between different operating units) (FIG. 4);

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A memory (FIG. 4, element 48); and

A control circuit (controller) (column 8, lines 8-22 and lines 65-67) connected to said I/O bus and said memory for decoding said signals received from said data input unit in accordance with predetermined control operation parameters in order to recognize said first or second type of identification cards (column 17, line 45 to column 18, line 25), and for comparing said identity information with correlated cardholder information (identification process (FIGs. 16, 17, 26, 33 and 34) stored in an external non-volatile database (programmable memory) (column 3, lines 60-64).

For claim 23, Ramachandran further teaches the card reader apparatus wherein said local housing terminal is at least partially portable (abstract).

Regarding claim 24, Ramachandran teaches the card reader wherein said local housing terminal includes a non-portable stand (FIG. 3).

Referring to claim 25, Ramachandran teaches the card reader wherein said display includes prompt messages for a user (prompt messages) (abstract).

For claim 26, please refer back to claim 25 for the teaching.

For claim 27, Ramachandran teaches the card reader wherein said card type is determined automatically when an identification card is present in a field of view of said optical reader or said credit card reader (the execution of the identification software once the enter button is pushed) (column 6, lines 64-67).

Regarding claim 28, Ramachandran further teaches the card reader which further comprises a lookup table for storing said predetermined control operation parameters based on

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the card type detected by the data input unit (memory that assigned uniquely for user's data for retrieval and identification) (column 4, lines 60-67).

Regarding claim 29, Ramachandran also discloses type of signal decoding algorithm (produce signal for comparison between input data and stored data) (column 12, lines 24-26).

For claim 30, please refer back to claims 21 and 25 for the teachings and explanations.

Referring to claim 31, Ramachandran further teaches the system wherein said integrated card reader apparatus further comprises smart card reader (reader that reads magnetic card) (column 7, lines 44-46).

For claim 32, Ramachandran teaches the system which includes multiple card readers located at different locations having access to said external database (Magnetic reader to read magnetic card and bar code scanner to read bar code card) (column 4, lines 47-50).

For claim 33, Ramachandran teaches the system wherein said multiple card readers have access to said external database via wireless (column 9, lines 10-24).

Regarding claim 34, Ramachandran further teaches the system wherein said cardholder information comprises related name filed data parsed from the encoded data on said one or more types of identification cards for comparison with correlated cardholder information stored in said external database (card identifier for the verification purpose) (FIGs. 17-18).

Regarding claims 35-39, please refer back to claims 21-22, and 27-28 respectively for the teachings and explanations.

For claims 40-46, please refer back to claims 21 and 25 for the teachings and explanations.

For claim 58, please refer back to claims 1 and 28 for further teachings and explanations.

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Claim 65, Ramachandran teaches the card reader wherein said control circuit in processing said card to determine card type processes a symbol represented in said captured image data (card identifier) (FIG. 19).

Regarding claim 66, Ramachandran also shows the card reader further comprises a credit card reader for reading information from credit cards (column 4, lines 47-55).

For claim 67, Ramachandran further shows the card reader wherein said housing is hand held (portable terminal) (column 6, line 51).

For claim 68, please refer back to claim 1 for further teachings and explanations.

For claim 69, please refer back to claim 67 for further teachings and explanations.

For claim 70, please refer back to claim 66 for further teachings and explanations.

For claim 71, please refer back to claim 65 for further teachings and explanations.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 22 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramachandran U.S. Patent No. 6,315,195 as applied to claim 21 above, and further in view of Terrell U.S. Patent 6,076,731.

Regarding claim 22, Ramachandran does not teach the credit card reader includes a touch screen signature component. Terrell further teaches a credit card reader process (FIG. 1A)

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includes a touch screen signature capture component (column 2, lines 1-6). Modifying Ramachandran's method of card reading apparatus according to Terrell would be able to enhance the verification process further by allowing the operator to verify the signature visually (column 6, lines 50-60). This would improve processing and therefore, it would have been obvious to one of ordinary skill in the art to modify Ramachandran according to Terrell.

For claim 47, please refer back to claim 22 for the teaching and explanation.

9. Claims 59-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramachandran U.S. Patent No. 6,315,195 as applied to claim 58 above, and further in view of Hanna et al. U.S. Patent 6,714,665.

Regarding claim 59, Ramachandran does not explicitly teach the card reader wherein one or more operating parameters are selected from a group consisting of threshold value, focal length, gain, exposure and illumination level. Hanna further teaches a method of iris recognition that can be applied for ATM card verification system (column 7, lines 39-65) wherein the card system's one or more operating parameters are selected from a group consisting of threshold value, focal length, gain exposure and illumination level (column 7, lines 39-65). Modifying Ramachandran's method of card reader identification according to Hanna would be able to utilize illumination for the iris verification (column 7, lines 39-65). This would improve processing and therefore, it would have been obvious to one of ordinary skill in the art to modify Ramachandran according to Hanna.

For claim 60, Hanna further teaches the card reader wherein one or more operating parameters are at least two parameters selected from the group consisting of threshold value,



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focal length, gain, exposure and illumination level (illumination and distance threshold) (column 7, lines 39-65 and column 13, lines 55-60)

Regarding claim 61, Hanna also teaches the card reader wherein said at least one operating parameter includes a threshold value (distance threshold) (column 13, lines 55-60).

Referring to claim 62, Hanna discloses the card reader wherein said at least one operating parameter includes a focal length (column 43, lines 55-58).

As to claim 63, Hanna further discloses the card reader wherein said at least one operating parameter includes an exposure (brightness processing) (column 54, lines 20-28).

For claim 64, Hanna teaches the card reader wherein said at least one operating parameter includes an illumination level ((column 7, lines 39-65).

***Allowable Subject Matter***

10. Claims 48-57 are allowed.

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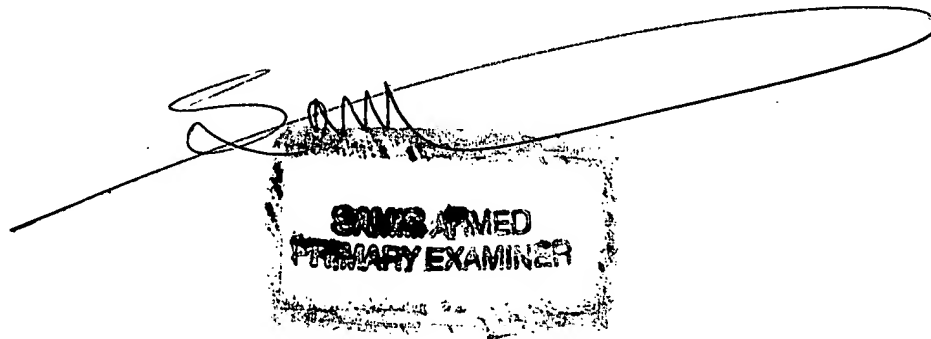
**Contact Information**

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Q. Le whose telephone number is 571-272-7424. The examiner can normally be reached on 8:30 A.M - 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on 571-272-7695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BL  
February 25, 2006



A handwritten signature, appearing to be 'Brian Q. Le', is written over a rectangular official stamp. The stamp contains the text 'BRIAN Q. LE' and 'PRIMARY EXAMINER' in a bold, sans-serif font. The signature is written in dark ink and is somewhat stylized.